

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN A.H. EDSALL, SR.,

Plaintiff, No. CIV S-02-2155 GEB GGH P

vs.

R.N. JOHNSON, et al.,

Defendants. ORDER

Plaintiff is a prison inmate proceeding pro se and in forma pauperis with a civil rights action. On August 29, 2005, and October 26, 2005, plaintiff filed motions for the appointment counsel.

The United States Supreme Court has ruled that district courts lack authority to require counsel to represent indigent prisoners in § 1983 cases. Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989). In certain exceptional circumstances, the court may request the voluntary assistance of counsel pursuant to 28 U.S.C. § 1915(e)(1). Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). In the present case, the court does not find the required exceptional circumstances. Plaintiff's motions for the appointment of counsel will therefore be denied.

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1 Accordingly, IT IS HEREBY ORDERED that plaintiff's motions for the  
2 appointment of counsel filed August 29, 2005, and October 26, 2005, are denied.

3 Dated: 11/22/05

4 /s/ Gregory G. Hollows

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 GREGORY G. HOLLOWS  
6 UNITED STATES MAGISTRATE JUDGE

7 GGH:mp  
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